

Outline of TIP Seminar Presentation Questions 2/12/19

A. CCR

- One of the waste matters that has received a lot of press over the past few years is the handling of coal combustion residuals or CCR. Many say that the August *USWAG* case marked a sea change both on the regulation of CCR and judicial deference to agencies. How do you see *USWAG* affecting these issues and what should industry be mindful of in a post-*USWAG* world?

B. RMP Delay Rule

- August also saw the D.C. Circuit vacate the RMP delay rule. Key to that ruling was an analysis of what was (or wasn't) in the administrative record. What lessons should stakeholders learn from that?
- How should we balance the need for more data in rulemaking with concerns about confidentiality or even litigation/enforcement risk?

C. Superfund Task Force

- What has the task force focused on to date and what do you see it doing over the next two years?
 - Adaptive management pilot studies
 - Policy memos
 - Emphasis list
- Many sites on and off the list have long experienced cleanup “inertia.” How should we define “success” in addressing such sites?
- Discuss “move into productive use” as a touchstone?
- Is being on the emphasis list a bad thing? Has industry’s response to this surprised you? How should industry view the list in your opinion?
- How do sites get “stuck” in the agency and how do we “unstick” them?